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6 AGELESS SERUMS LLC

7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF TEXAS
10 HOUSTON DIVISION

11 EDGE SYSTEMS LLC,
12 a California limited liability
13 company,

14 Plaintiff,

15 v.

16 AGELESS SERUMS LLC, a
Texas limited liability company,

17 Defendant.

18 CIVIL ACTION NO. 4:20-CV-4335

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**NOTICE OF VOLUNTARY
DISMISSAL OF SIMILAR
COUNTERCLAIMS AND RELATED
AFFIRMATIVE DEFENSES
WITHOUT PREJUDICE IN THE
RELATED CALIFORNIA ACTION**

NOTICE OF DISMISSAL OF SIMILAR COUNTERCLAIMS AND RELATED AFFIRMATIVE
DEFENSES IN THE RELATED CALIFORNIA ACTION

1 Defendant and Counterclaimant Ageless Serums LLC (“Ageless”) files this
2 notice to advise this Court that Ageless has now voluntarily dismissed its
3 Counterclaims and related Affirmative Defenses without prejudice in and related to
4 the California lawsuit between the parties entitled *Edge Serums LLC v. Ageless*
5 *Serums LLC.*, C.D. Cal. Case No. 2-20-CV-09669 (the “California Action”). The
6 same Counterclaims and Affirmative Defenses remain in this case for adjudication.
7 Because of Ageless voluntary dismissal without prejudice of its Counterclaims and
8 related Affirmative Defenses in California, Ageless hereby withdraws its prior
9 request to this Court that it transfer this action in whole or in part to California to
10 allow the California Court to decide whether to consolidate or transfer any of the
11 Ageless’ Counterclaims and related Affirmative Defenses to enable them to be
12 decided by the California Court in the California Action. This request was previously
13 made to this Court by Ageless in its Opposition to Plaintiff’s Motion to Dismiss
14 Ageless Counterclaims and related Affirmative Defenses that is still pending for
15 decision by this Court. *See* Dkt. Nos. 68, 70 and 73.

16 Since Ageless has voluntarily dismissed its Counterclaims and related
17 Affirmative Defenses in California, without prejudice, including by Court order,
18 Ageless hereby requests that this Court retain jurisdiction over them and not transfer
19 them to California, or ask the California Court to decide if transfer or consolidation
20 is appropriate under the first-to-file rule as Ageless had previously requested.

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22 Dated: February 23, 2022

Respectfully submitted,

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24 FOX ROTHSCHILD LLP

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26 /s/ *James E. Doroshow*

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James E. Doroshow